UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,684	01/30/2004	Sergio P. Bonilla	SJO920030093US1	9136

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EXAMINER
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ART UNIT	PAPER NUMBER
2166	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/769,684	BONILLA ET AL.
	Examiner	Art Unit
	Leon J. Harper	2166

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-16,18-26 and 28-33* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-26 and 28-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *7/18/2007*.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/18/2007 has been entered. Claims 1, 11, 21,31

have been amended. Claims 7,17,27 have been cancelled. Accordingly, claims

1-6,8-16,18-26,28-33 are pending in this office action.

Response to Arguments

Applicant's arguments with respect to claims 1-6,8-16,18-26,28-33 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6,8-16,18-26,28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delphi 4 Unleashed Chapter 3 (hereinafter Polymorphism)(art of record) in view of US 6,317,748 (hereinafter Menzies)).

As for claim 1 Polymorphism discloses: receiving a request implemented via at least one device independent class (See page 4 lines 22-25 note: "DrawIt" this method is called without respect to child class); traversing a class hierarchy database to determine at least one device specific class that corresponds to the at least one device independent class (See page 4 lines 21-23 note: function call traverses to find out which child function it needs to call), and modifying the received request, wherein in the modified request the least one device independent class has been translated to the at least one device specific class (See page 5 lines 5-9 method is called in terms of parent and is translated then executed with respect to the child class).

While Polymorphism does not differ substantially from the claimed invention the disclosure a proxy, and of wherein the class hierarchy database stores a class hierarchy and associations between classes; generating a device specific request in a device specific language; sending the device specific

request in the device specific language to a managed device coupled to the

proxy, wherein the proxy is a computational device, is not necessarily explicit.

Menzies however, does disclose a proxy (See column 4 line 66- column 5 line

10, column 6 lines 20-25) wherein the class hierarchy database stores a class

hierarchy and associations between classes (See column 8 lines 20-30) and

generating a device specific request in a device specific language; sending the

device specific request in the device specific language to a managed device

coupled to the proxy, wherein the proxy is a computational device (See column 6

lines 30-40). It would have been obvious to an artisan of ordinary skill in the

pertinent at the time the invention was made to have incorporated the teaching of

Polymorphism into the system of Menzies. The modification would have been

obvious because the two references are concerned with the solution to problem

object encapsulation, therefore there is an implicit motivation to combine these

references. In other words, the ordinary skilled artisan, during his/her quest for a

solution to the cited problem, would look to the cited references at the time the

invention was made. Consequently, the ordinary skilled artisan, would have been

motivated to combine the cited references since Menzies teaching incorporates

the principals of polymorphism.

As for claim 2 the rejection of claim 1 is incorporated, and further Menzies

discloses: mapping at least one device independent class attribute to at least one

device specific class attribute in the modified request (See column 6 lines 25-30)

); mapping at least one device independent property to at least one device

specific property in the modified request; generating a device specific request

from the modified request (See column 6 lines 35-40), in response to mapping

the at least one device independent class attribute and the at least one device

independent property; and sending the device specific request to a managed

device (See column 6 lines 35-40).

As for claim 3, the rejection of claim 1 is incorporated, and further Menzies

discloses: modifying the received request to include at least one association

between device specific classes in the class hierarchy (See column 7 lines 50-

60).

As for claim 4, the rejection of claim 1 is incorporated, and further

Polymorphism discloses: wherein the received request indicates a source class

and a requested class, the operations further comprising (See page 6 note: and

child request is made to functions from the parent class): determining a specific

association between a first device specific class that corresponds to the source

class and a second device specific class that corresponds to the specific class

(See page 5 paragraph 2). While Evans discloses: wherein the specific

association corresponds to a managed device (See paragraph 0181).

As for claim 5, the rejection of claim 4 is incorporated, and further Menzies

discloses: wherein the source class represents storage pools and the requested

class represents storage volumes corresponding to a storage pool (See column 8

lines 50-60).

As for claim 6, the rejection of claim 1 is incorporated, and further Menzies discloses: determining a first device specific class from the class hierarchy database, wherein the first device specific class has a specific association with a second device specific class that corresponds to the indicated source class, and wherein the specific association corresponds to the base association (See column 8 lines 15-30).

As for claim 8, the rejection of claim 1 is incorporated, and further Menzies discloses: wherein the request is received from a Common Information Model application, and wherein the at least one device independent class is specified by a Common Information Model schema (See column 7 lines 15-20).

As for claim 9, the rejection of claim 1 is incorporated, and further Menzies discloses: a command that is part of an object oriented management schema for managing non-homogeneous devices in a network environment (See column 7 lines 15-20).

As for claim 10, the rejection of claim 9 is incorporated, and further Menzies discloses: wherein the management schema comprises the Common Information Model (See column 15-20).

Claims 11-16,18-20 are method claims corresponding to article of manufacture claims 1-6,8-10 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1-6,8-10.

Claims 21-26,28-30 are system claims corresponding to article of manufacture claims 1-6,8-10 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1-6,8-10.

Claims 31-33 are system claims corresponding to article of manufacture claims 1,2,4 respectively and are thus rejected for the same reasons as set forth in the rejection of claim 1,2,4.

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
September 29, 2007

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER